THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.109 of 2006

04.1.2006

Between:

J.Ellaiah Begari, S/o.Papaiah

And another

..... PETITIONERS

AND

The District Collector, Ranga Reddy District

And others

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.109 of 2006

ORDER:

The petitioners are residents of Nanakramguda village. They claim to be in possession of land admeasuring Acs.2.00 each in survey No.149 of Nanakramguda village. They allege that for more than 100 years, they or their ancestors have been in possession of the land and their names are also incorporated in the revenue records as cultivators. It is their case that in spite of making number of representations to revenue authorities seeking grant of pattas, they were not assigned the land, but they have been cultivating the land. They allege that the officials from the offices of the respondents came to the land and directed the petitioner not to cultivate the land stating that it is a government land. Apprehending forcible eviction, they filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in obstructing the petitioners from entering into and cultivating the land in survey No.149 admeasuring Acs.2.00 each.

This Court heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (Assignment). The learned Assistant Government Pleader, after getting instructions in the matter, submits that the petitioners are

encroachers of the government land. Therefore, action was initiated by the third respondent and a notice was issued under Section 7 of A.P. Land Encroachment Act, 1905 (the Act, for brevity), but the writ petitioners did not submit any explanation and therefore, by proceedings dated 20.8.2005, the third respondent passed orders under Section 6 of the Act ordering eviction of the petitioners from the government land. The petitioners did not handover possession of the land and therefore, the Assistant Revenue Inspector took possession of theland on 30.8.2005 under cover of panchanama and that the land is in government custody.

The petitioners have not specifically challenged order of the third respondent passed under Section 6 of the Act. As they are already evicted from the land, this writ petition is misconceived. It shall however be open to the petitioners to approach the third respondent, obtain a copy of the proceedings No.B/768/2005 dated 20.8.2005 and seek appropriate redressal by filing appeal before the second respondent. In this writ petition, no relief can be granted to the petitioners.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S. RAO,J)

January 04, 2006

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